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RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY

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STATE PASS TO USAID FOR AID/ANE, AID/DCHA/DG

NSC FOR JWOOD

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SUBJECT: EVENTS IN PARLIAMENT; SEPTEMBER 17 - 28

**¶11. (SBU) Summary:** Parliament is completing the essential business of considering, modifying and, if it chooses, endorsing the 100-plus Presidential decrees enacted before its creation, even as Speaker Qanooni's dispute with President Karzai over presidential versus parliamentary prerogatives escalates. The Meshrano Jirga (Upper House) approved the UN Convention Against Corruption, and the Wolesi Jirga (Lower House) passed the Structure of Government Bill; both of these are London Compact Benchmarks. The parliament also reached agreement on amendments to key pieces of legislation regulating the media, passports, and morgues. End Summary.

**¶12. (U) Upper House Approves UN Convention Against Corruption (UNCAC):** The Upper House approved the UNCAC by a wide majority on September 25 after determining that the convention is consistent with Sharia law. During the debate, convention proponents emphasized the importance of Afghanistan's participation in international conventions and treaties. Once President Karzai signs the convention, it will become Afghan law. Final ratification would satisfy London Compact benchmark 2.2, which calls for Afghanistan to ratify the convention by March 20, 2008.

**¶13. (U) Structure of Government Bill Approved in Lower House:** Lower House members, after weeks of sometimes acrimonious argument, approved all but one article of the Structure of Government bill. This bill derives from the London Compact, which encouraged a rationalization of Afghanistan's many governmental ministries to facilitate budgetary economies and fiscal sustainability. The Lower House decided to fold only the Ministry of Urban Development into another as yet unidentified ministry. In addition, the Lower House decided to eliminate the Anti-Corruption Commission. The house has not yet passed the text of the bill to the Upper House. According to Assistant Second Secretary of the Upper House, Senator Abdul Khaliq, the Upper House "will drop everything" and discuss the text once they receive it.

**¶14. (SBU) Spanta Controversy Persists:** Speaker of the Lower House, Mohammad Yonus Qanooni, and members of the Qanooni's United Front Group, sought to ratchet up pressure on President Karzai to fire Foreign Minister Dr. Rangin Dadfar Spanta by twice cancelling confirmation hearings for three Karzai appointees, once on September 20 and again on September 27. The renewed calls for Spanta's dismissal cite

his alleged mishandling of refugee negotiations in Iran; however, the foreign minister actually aroused warlord MPs' ire by calling earlier this year for their prosecution as human rights violators. Ambitious Lower House Speaker Qanooni and MPs in his United Front Group have transformed the May 2007 no-confidence vote on Spanta into a contest with the Palace over interpretations of the constitutional power granted to the executive and legislative branches.

**¶5. (U) Upper House Approves Extradition Treaty:** The Upper House ratified prisoner extradition treaties with Tajikistan, Russia, and Iran. Several MPs expressed the hope that a similar treaty could be signed with Pakistan, to which many eastern Afghans frequently travel.

**¶6. (SBU) Sharia Central to Debate on Road Toll Reform Bill:** Lower House discussion of the bill to reform tolls on roads leading into Kabul focused on the acceptability of non-compliance fines under Sharia law. A block of conservative Sunni MPs argued that such fines violate Sharia in the Sunni religious tradition, and are thus constitutionally unacceptable. Several Shia MPs argued in favor of the bill. In an effort to close debate, some MPs suggested sending the bill to the Supreme Court for interpretation, while others recommended a parliamentary committee study its religious implications. The Lower House was unable to decide on a course of action. (Comment: This debate once again illustrates the importance of Sharia law interpretation to MPs' consideration of issues that to most Westerners would seem to be entirely secular. Comment.)

**¶7. (SBU) Lower House Approves Passport Bill, Later Rescinds Decision:** The Lower House initially approved the bill with

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minor amendments. Curiously, the same house reopened debate on the bill several days later when a group of conservative MPs argued it violated Sharia by allowing women to obtain passports and, possibly, travel on their own without a male family member escort. Speaker Qanooni attempted to convince the conservatives that traveling alone and obtaining an independent passport are separable issues, but opponents succeeded in having the bill referred back to committee.

**¶8. (SBU) Upper House Passes Police Reform Bill with Recommendations:** The Upper House recommended only that the Lower House add a sentence prohibiting "war criminals" or "human rights abusers" from becoming police officers. The Upper House did not define either term. (Comment: Interestingly, several MPs are suspected war criminals or human rights-abusers or both. The Upper House's inclination to marginalize human rights-abusers and war criminals, while positive, may lead to difficulties in reconciling the two houses' versions of the bill. End Comment.)

**¶9. (SBU) Morgues-Regulation Bill Amended and Passed by Lower House:** The Lower House approved a morgues-regulation bill with two amendments. MPs accepted an amendment stipulating the importance of maintaining female doctors on morgue staffs to examine female corpses. They also accepted an amendment that would only permit organ donation from decedents who had registered their consent to donate, or, in the case of a mentally disabled decedent, with the consent of an authorized family guardian. (Comment: The stipulation about maintaining female doctors on morgue staffs is indicative of this extremely conservative Muslim society's obsession with maintaining separation between the genders. End Comment.)

**¶10. (SBU) Comment: Qanooni-Karzai Contest Escalates:** Qanooni used his considerable political skills to increase substantially parliament's through-put in late September, but his machinations increasingly focus on a presidential run in the next election and his most obvious opponent, Karzai. Their continued power struggle has found expression in the dispute over Spanta's fate, Qanooni's obstruction of Karzai's nominations, debate over a constitutional commission to

replace the Supreme Court as the final arbiter of the Constitution and parliament's review of a new local governance office established in the Palace to avoid parliamentary oversight. As the election approaches, the tension between the two men will likely increase and infect more aspects of the parliament)Palace relationship. End Comment.

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